

REMARKS

In the Office Action of November 6, 2003, Claims 41-52 were rejected under U.S.C. § 102(e) as being allegedly anticipated by Elsberg et al. (U.S. Patent No. 6,524,293); and Claim 48 was objected to as allegedly containing a typographical error.

In this Amendment Applicants have cancelled Claim 48, thus rendering the objection moot. The Applicants have also amended Claim 41. Thus, upon entry of this Amendment Claim 41-47 and 49-52 will be pending. Claim 41 is an independent claim.

Applicants respectfully submit that Claim 41 as amended is patentable over Elsberg et al.

Claim 41 recites a personal care absorbent article, comprising: (a) a front portion including opposing first and second lateral side portions defining respective first and second lateral side edges, and a central section defining a fastening area between the first and second lateral side portions, first and second fault lines being disposed between the fastening area and the respective first and second lateral side portions; (b) a rear portion including an outer rear edge, the first and second fault lines being configured for activation to selectively release the front portion from the rear portion for use of the personal care absorbent article as a diaper-like article, or to remain intact for use of the personal care absorbent article as a pant-like structure; (c) a crotch portion extending between said front portion and said rear portion; and (d) first and second fasteners releasably secured to the fastening area, and non-releasably secured to the first and second lateral side portions of the front portion.

Applicants respectfully submit that Elsberg does not disclose or suggest each and every element of Claim 41 as amended.

The cited reference is generally directed to an absorbent article having a pair of laterally directed perforations (80) on at least one laterally opposed side (82) of a stretch panel (70). The perforations, when torn, allow a secondary fastener tab (e.g., 84) to be elongated in a lateral direction (40). See col. 19, lines 1-25 in Figures 6, 7, and 10. In other words, the torn perforations (80) make the secondary fastener tab (84) laterally operable. This is substantially different than the fault lines

recited by Claim 41. Accordingly, Applicants respectfully submit that Elsberg does not anticipate Claim 41 as amended, nor would one skilled in the art have been motivated to significantly alter the elements of Elsberg as they are suited for their intended purpose in order to anticipate Claim 41.

In view of the patentability of Claim 41 over the cited reference, Applicants respectfully request that the Examiner remove the rejection to Claim 41 and its dependent Claims 42-47 and 49-52, and indicate the allowability of the pending claims.

If the Examiner has any questions upon consideration of this Amendment, the Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.

1-28-04

Date


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